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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,126	08/16/2001	Siegfried Schelinski	SCHELINSKI - 1	3569

7590 07/08/2003  
COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, NY 11576-1696

EXAMINER

MARCANTONI, PAUL D

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 07/08/2003

*C*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/931,126

Applicant(s)

SCHELINSKI, SIEGFRIED

Examiner

Paul Marcantoni

Art Unit

1755

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Claims 1- 17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

The use of the term "caustic soda" is indefinite in claim 1, 2, and other claims it is present because it is a tradename. Applicants should identify the chemical name of this material and replace it with that. That would appear to be sodium hydroxide or NaOH.

The term especially as in the first line of claim 1 can be replaced with useful as.

The applicants are respectfully advised to remove the terms "such as" from claim 1 and any claim where it is also present. Deletion of "such as" in claim 1, line 3, and replacement with —including—and in claim 1, line 9, deletion of "such as" and replacement with —selected from the group consisting of alumina, iron oxide, and mixtures thereof—.

Claim 2 would appear indefinite because applicants do not provide the specific amounts of each component that is critical to their invention. Applicants may consider making claim 2 and independent claim and including all the amount limitations for the components of claim 1 for their method claim.

The term "normal pressure" is indefinite in claim 2 and other claims. Does this refer to standard pressure and what is the pressure that is considered normal pressure?

The use of "if necessary" in claim 2 listed twice and in other claims can be replaced with optionally.

The terms "other additives" and "accessory" agents are indefinite in claim 2 because applicants do not particularly point out and distinctly claim what these materials are in this claim.

The limitation of "water vapor partial pressure being adjusted, selected, or controlled as a function of time temperature" would appear vague because it is not clear how it is adjusted or controlled. This is present in claim 2, 4, 17 and other claims and would appear indefinite.

The terms "carbon dioxide being excluded or admitted" would appear vague and indefinite because it is not clear which must be done. Which is preferred? These terms would appear indefinite in claim 2 or other claims.

The terms "carbon dioxide eliminated or admitted" is vague. Which must it be or is this merely an optional step in claim 4. Also, "admission of carbon dioxide is controlled by adjusting or selecting the carbon dioxide partial pressure" would appear vague in claim 4. How is it adjusted and how is it controlled? Increased? Decreased?

Claim 7 is indefinite because how is the "additives" different than "accessory agents" or are they the same thing.

ABSTRACT:

The abstract is improper because it is limited to a single paragraph. Further, it is limited to 250 words based upon the MPEP standards for length. Correction to a single paragraph and the brevity of length is advised.

Cited of Interest:

Kraemer et al. (US Patent No. 3,814,614) is cited of interest but does not teach the instant invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is (703)-308-1196. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (703) 308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703)-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

A handwritten signature in black ink, appearing to read "Paul Marcantoni".

Paul Marcantoni  
Primary Examiner  
Art Unit 1755